REMARKS

1. Present Status of Patent Application

This is a full and timely response to the outstanding non-final Office Action mailed October 11, 2006. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

2. Telephone Interview

Applicant first wishes to express his sincere appreciation for the time that Examiner Reilly spent with Applicant's Attorney, Charles W. Griggers, during a telephone discussion on December 14, 2006 regarding the outstanding Office Action. During this conversation, Applicant presented proposed amendments (contained herein) that the Examiner indicated may be beneficial in view of the currently cited art. A consensus regarding the allowability of the claims was not reached. The Applicant respectfully requests that Examiner carefully consider this response and the amendments.

3. Response to Rejections of Claims under 35 U.S.C. § 103

In the Office Action, claims 38-58 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Mousseau* (U.S. Patent No. 6,438,585) in view of *Gilhuly* (U.S. Patent No. 6,701,378) in further view of *Beyda* (U.S. Patent No. 6,275,850) in further view of *Hamilton* (U.S. Patent No. 6,981,023).

a. Claim 38

As provided in independent claim 38, Applicant claims:

> A method for processing data in a wireless communication network comprising:
> receiving at a gateway for the wireless communication network at least one electronic message having at least one attachment associated therewith;
> processing the at least one electronic message based on characteristics of the at least one electronic message including size and type of the at least one electronic message and based on characteristics of the at least one attachment including size and type of the at least one

attachment, wherein a determination is made whether to remove a respective attachment from the at least one electronic message;

if a determination is made to remove one or more attachments from an electronic message, providing the electronic message with one or more indicia tags for the one or more attachments being removed from the electronic message, the one or more indicia tags being derived from the characteristics of the one or more attachments including size and type characteristics;

forwarding the electronic message to the recipient with the one or more indicia tags and without the one or more attachments;

receiving instructions from the recipient for processing an attachment that was removed from the electronic message and replaced with an indicia tag at a subsystem connected to the gateway, the subsystem comprising a fax machine for faxing the attachment; a database for storing the attachment; and a text-to-speech device for speaking the contents of the attachment; and

processing the attachment at the subsystem indicated by the user, wherein the gateway is configured to provide wireless communications services to interactive messaging clients and provide Internet e-mail services and user-selectable filtering and wherein the gateway is configured to provide a delivery confirmation for the message to a sender of the electronic message after the message has been delivered to the recipient over the wireless communication network.

(Emphasis added).

Applicant respectfully submits that independent claim 38 is allowable for at least the reason that *Mousseau* in view of *Gilhuly* in further view of *Beyda* in further view of *Hamilton* does not disclose, teach, or suggest at least "forwarding the electronic message to the recipient with the one or more indicia tags and without the one or more attachments; receiving instructions from the recipient for processing an attachment that was removed from the electronic message and replaced with an indicia tag at a subsystem connected to the gateway, the subsystem comprising a fax machine for faxing the attachment; a database for storing the attachment; and a text-to-speech device for speaking the contents of the attachment; and processing the attachment at the subsystem indicated by the user, wherein the gateway is configured to provide wireless communications services to interactive messaging clients and provide Internet e-mail services and user-selectable filtering and wherein the gateway is configured to provide a delivery confirmation for the message to a sender of the electronic message

after the message has been delivered to the recipient over the wireless communication network," as recited and emphasized above in claim 38.

For example, *Mousseau* describes a system for "replicating and redirecting information from a host system to a mobile data communication device." The host system may be a user's desktop or a network server connected to a user's PC via a local-area network. Col. 2, lines 49-61. A redirector program on the host system enables a user to redirect user-selected data items on the host system to a user's mobile data communications device. Col. 2, lines 62-65. As stated by its name, the redirector program is able to redirect items to the mobile device after the items have been delivered successfully to the host system. For example, if a message was sent by a sender with a delivery confirmation request to the host system, the host system would receive the message and confirm successful delivery. Then, the host system may redirect the message to a user's mobile device. On the other hand, if a message was sent by a sender with a delivery confirmation request to the user's mobile device, the message would bypass the host system and be delivered directly to the mobile device. The mobile device would then confirm delivery. Accordingly, this is why *Mousseau* discusses repackaging messages that are redirected to the mobile device and repackaging reply messages from the mobile device so that the messages appear to be from entities that they are not. *See* cols. 8-9, lines 61-47. For example, *Mousseau* states:

> If the redirected user data item is an E-mail message, as described above, the user at the mobile device 24 sees the original subject, sender's address, destination address, carbon copy and blind carbon copy. When the user replies to this message, or when the user authors a new message, the software operating at the mobile device 24 adds a similar outer envelope to the reply message (or the new message) to cause the message to be routed first to the user's host system 10, which then removes the outer envelope and redirects the message to the final destination, such as back to computer 26. In the preferred embodiment, this results in the outgoing redirected message from the user's host system 10 being sent using the E-mail address of the host mailbox, rather than the address of the mobile device, so that it appears to the recipient of the message that the message originated from the user's desktop system 10 rather than the mobile data communication device. Any replies to the redirected message will then be sent to the desktop system 10, which if it

is still in redirector mode, will repackage the reply and re-send it to the user's mobile data device, as described above.

Cols. 9, lines 28-48.

Likewise, *Gilhuly* describes a similar process where a redirector 12 on a host system 10A repackages a received message to include address information for a mobile device that was not provided by a sender of the message (since the message was sent to the host system 10A). Col. 7, lines 26-46. As such, *Gilhuly* and *Mousseau* do not disclose that a recipient of a message over a wireless network can confirm delivery of a message from a redirector program of a host system to a sender of the message (which was redirected by the host system to the recipient). Further, *Beyda* and *Hamilton* do not cure the deficiencies of the *Gilhuly* and *Mousseau* references.

Accordingly, the proposed combination fails to teach or suggest at least "forwarding the electronic message to the recipient with the one or more indicia tags and without the one or more attachments; receiving instructions from the recipient for processing an attachment that was removed from the electronic message and replaced with an indicia tag at a subsystem connected to the gateway, the subsystem comprising a fax machine for faxing the attachment; a database for storing the attachment; and a text-to-speech device for speaking the contents of the attachment; and processing the attachment at the subsystem indicated by the user, wherein the gateway is configured to provide wireless communications services to interactive messaging clients and provide Internet e-mail services and user-selectable filtering and wherein the gateway is configured to provide a delivery confirmation for the message to a sender of the electronic message after the message has been delivered to the recipient over the wireless communication network," as recited in claim 38. (Emphasis added).

Therefore, a *prima facie* case establishing an obviousness rejection by *Mousseau* in view of *Gilhuly* in further view of *Beyda* in further view of *Hamilton* has not been made. Thus, claim 38 is not obvious under the proposed combination and the rejection should be withdrawn.

b. Claims 39-46

For at least the reasons given above, claim 38 is allowable over the cited art of record. Since claims 39-46 depend from claim 38, claims 39-46 are allowable as a matter of law, because these dependent claims contain all the features of their respective independent claim 38.

Additionally and notwithstanding the foregoing reasons for the allowability of claims 39-46, these dependent claims recite further features and/or combinations of features (as is apparent by examination of the claims themselves) that are patentably distinct from the cited art of record. Hence, there are other reasons why these dependent claims are allowable.

c. Claim 47

As provided in independent claim 47, Applicant claims:

> A system for processing data in a wireless communication network comprising:
>
> means for receiving at a gateway for the wireless communication network at least one electronic message having at least one attachment associated therewith;
>
> means for processing the at least one electronic message based on characteristics of the at least one electronic message including size and type of the at least one electronic message and based on characteristics of the at least one attachment including size and type of the at least one attachment, wherein a determination is made whether to remove a respective attachment from the at least one electronic message;
>
> means for providing the electronic message with one or more indicia tags for one or more attachments being removed from an electronic message if a determination is made to remove the one or more attachments from the electronic message, the one or more indicia tags being derived from the characteristics of the one or more attachments including size and type characteristics;
>
> ***means for forwarding the electronic message to the recipient with the one or more indicia tags and without the one or more attachments;***
>
> ***means for receiving instructions from the recipient for processing an attachment that was removed from the electronic message and replaced with an indicia tag at a subsystem connected to the gateway, the subsystem comprising a fax machine for faxing the attachment; a database for storing the attachment; and a text-to-speech device for speaking the contents of the attachment; and***

means for processing the attachment at the subsystem indicated by the user, wherein the gateway is configured to provide wireless communications services to interactive messaging clients and provide Internet e-mail services and user-selectable filtering and wherein the gateway is configured to provide a delivery confirmation for the message to a sender of the electronic message after the message has been delivered to the recipient over the wireless communication network.

(Emphasis added).

Applicant respectfully submits that independent claim 47 is allowable for at least the reason that *Mousseau* in view of *Gilhuly* in further view of *Beyda* in further view of *Hamilton* does not disclose, teach, or suggest at least "means for forwarding the electronic message to the recipient with the one or more indicia tags and without the one or more attachments; means for receiving instructions from the recipient for processing an attachment that was removed from the electronic message and replaced with an indicia tag at a subsystem connected to the gateway, the subsystem comprising a fax machine for faxing the attachment; a database for storing the attachment; and a text-to-speech device for speaking the contents of the attachment; and means for processing the attachment at the subsystem indicated by the user, wherein the gateway is configured to provide wireless communications services to interactive messaging clients and provide Internet e-mail services and user-selectable filtering and wherein the gateway is configured to provide a delivery confirmation for the message to a sender of the electronic message after the message has been delivered to the recipient over the wireless communication network," as recited and emphasized above in claim 47.

For example, *Mousseau* describes a system for "replicating and redirecting information from a host system to a mobile data communication device." The host system may be a user's desktop or a network server connected to a user's PC via a local-area network. Col. 2, lines 49-61. A redirector program on the host system enables a user to redirect user-selected data items on the host system to a user's mobile data communications device. Col. 2, lines 62-65. As stated by its name, the redirector program is able to redirect items to the mobile device after the items have been delivered successfully to the host system. For example, if a message was sent by a sender with a delivery confirmation request to the host system, the host system would

receive the message and confirm successful delivery. Then, the host system may redirect the message to a user's mobile device. On the other hand, if a message was sent by a sender with a delivery confirmation request to the user's mobile device, the message would bypass the host system and be delivered directly to the mobile device. The mobile device would then confirm delivery. Accordingly, this is why *Mousseau* discusses repackaging messages that are redirected to the mobile device and repackaging reply messages from the mobile device so that the messages appear to be from entities that they are not. *See* cols. 8-9, lines 61-47. For example, *Mousseau* states:

> If the redirected user data item is an E-mail message, as described above, the user at the mobile device 24 sees the original subject, sender's address, destination address, carbon copy and blind carbon copy. When the user replies to this message, or when the user authors a new message, the software operating at the mobile device 24 adds a similar outer envelope to the reply message (or the new message) to cause the message to be routed first to the user's host system 10, which then removes the outer envelope and redirects the message to the final destination, such as back to computer 26. In the preferred embodiment, this results in the outgoing redirected message from the user's host system 10 being sent using the E-mail address of the host mailbox, rather than the address of the mobile device, so that it appears to the recipient of the message that the message originated from the user's desktop system 10 rather than the mobile data communication device. Any replies to the redirected message will then be sent to the desktop system 10, which if it is still in redirector mode, will repackage the reply and re-send it to the user's mobile data device, as described above.

Cols. 9, lines 28-48.

Likewise, *Gilhuly* describes a similar process where a redirector 12 on a host system 10A repackages a received message to include address information for a mobile device that was not provided by a sender of the message (since the message was sent to the host system 10A). Col. 7, lines 26-46. As such, *Gilhuly* and *Mousseau* do not disclose that a recipient of a message over a wireless network can confirm delivery of a message from a redirector program of a host system to a sender of the message (which was redirected by the host system to the recipient). Further, *Beyda* and *Hamilton* do not cure the deficiencies of the *Gilhuly* and *Mousseau* references.

Accordingly, the proposed combination fails to teach or suggest at least "means for forwarding the electronic message to the recipient with the one or more indicia tags and without the one or more attachments; means for receiving instructions from the recipient for processing an attachment that was removed from the electronic message and replaced with an indicia tag at a subsystem connected to the gateway, the subsystem comprising a fax machine for faxing the attachment; a database for storing the attachment; and a text-to-speech device for speaking the contents of the attachment; and means for processing the attachment at the subsystem indicated by the user, wherein the gateway is configured to provide wireless communications services to interactive messaging clients and provide Internet e-mail services and user-selectable filtering and wherein the gateway is configured to provide a delivery confirmation for the message to a sender of the electronic message after the message has been delivered to the recipient over the wireless communication network," as recited in claim 47.

Therefore, a *prima facie* case establishing an obviousness rejection by *Mousseau* in view of *Gilhuly* in further view of *Beyda* in further view of *Hamilton* has not been made. Thus, claim 47 is not obvious under the proposed combination and the rejection should be withdrawn.

d. Claim 48

As provided in independent claim 48, Applicant claims:

> A computer-readable medium containing instructions for controlling a computer system to perform a method in a wireless communication environment, said method comprising:
>
> receiving at a gateway for a wireless communication network at least one electronic message having at least one attachment associated therewith;
>
> processing the at least one electronic message based on characteristics of the at least one electronic message including size and type of the at least one electronic message and based on characteristics of the at least one attachment including size and type of the at least one attachment, wherein a determination is made whether to remove a respective attachment from the at least one electronic message;
>
> if a determination is made to remove one or more attachments from an electronic message, providing the electronic message with one or

more indicia tags for the one or more attachments being removed from the electronic message, the one or more indicia tags being derived from the characteristics of the one or more attachments including size and type characteristics;

forwarding the electronic message to the recipient with the one or more indicia tags and without the one or more attachments;

receiving instructions from the recipient for processing an attachment that was removed from the electronic message and replaced with an indicia tag at a subsystem connected to the gateway, the subsystem comprising a fax machine for faxing the attachment; a database for storing the attachment; and a text-to-speech device for speaking the contents of the attachment; and

processing the attachment at the subsystem indicated by the user, wherein the gateway is configured to provide wireless communications services to interactive messaging clients and provide Internet e-mail services and user-selectable filtering and wherein the gateway is configured to provide a delivery confirmation for the message to a sender of the electronic message after the message has been delivered to the recipient over the wireless communication network.

(Emphasis added).

Applicant respectfully submits that independent claim 48 is allowable for at least the reason that *Mousseau* in view of *Gilhuly* in further view of *Beyda* in further view of *Hamilton* does not disclose, teach, or suggest at least "forwarding the electronic message to the recipient with the one or more indicia tags and without the one or more attachments; receiving instructions from the recipient for processing an attachment that was removed from the electronic message and replaced with an indicia tag at a subsystem connected to the gateway, the subsystem comprising a fax machine for faxing the attachment; a database for storing the attachment; and a text-to-speech device for speaking the contents of the attachment; and processing the attachment at the subsystem indicated by the user, wherein the gateway is configured to provide wireless communications services to interactive messaging clients and provide Internet e-mail services and user-selectable filtering and wherein the gateway is configured to provide a delivery confirmation for the message to a sender of the electronic message after the message has been delivered to the recipient over the wireless communication network," as recited and emphasized above in claim 48.

For example, *Mousseau* describes a system for "replicating and redirecting information from a host system to a mobile data communication device." The host system may be a user's desktop or a network server connected to a user's PC via a local-area network. Col. 2, lines 49-61. A redirector program on the host system enables a user to redirect user-selected data items on the host system to a user's mobile data communications device. Col. 2, lines 62-65. As stated by its name, the redirector program is able to redirect items to the mobile device after the items have been delivered successfully to the host system. For example, if a message was sent by a sender with a delivery confirmation request to the host system, the host system would receive the message and confirm successful delivery. Then, the host system may redirect the message to a user's mobile device. On the other hand, if a message was sent by a sender with a delivery confirmation request to the user's mobile device, the message would bypass the host system and be delivered directly to the mobile device. The mobile device would then confirm delivery. Accordingly, this is why *Mousseau* discusses repackaging messages that are redirected to the mobile device and repackaging reply messages from the mobile device so that the messages appear to be from entities that they are not. *See* cols. 8-9, lines 61-47. For example, *Mousseau* states:

> If the redirected user data item is an E-mail message, as described above, the user at the mobile device 24 sees the original subject, sender's address, destination address, carbon copy and blind carbon copy. When the user replies to this message, or when the user authors a new message, the software operating at the mobile device 24 adds a similar outer envelope to the reply message (or the new message) to cause the message to be routed first to the user's host system 10, which then removes the outer envelope and redirects the message to the final destination, such as back to computer 26. In the preferred embodiment, this results in the outgoing redirected message from the user's host system 10 being sent using the E-mail address of the host mailbox, rather than the address of the mobile device, so that it appears to the recipient of the message that the message originated from the user's desktop system 10 rather than the mobile data communication device. Any replies to the redirected message will then be sent to the desktop system 10, which if it is still in redirector mode, will repackage the reply and re-send it to the user's mobile data device, as described above.

Cols. 9, lines 28-48.

Likewise, *Gilhuly* describes a similar process where a redirector 12 on a host system 10A repackages a received message to include address information for a mobile device that was not provided by a sender of the message (since the message was sent to the host system 10A). Col. 7, lines 26-46. As such, *Gilhuly* and *Mousseau* do not disclose that a recipient of a message over a wireless network can confirm delivery of a message from a redirector program of a host system to a sender of the message (which was redirected by the host system to the recipient). Further, *Beyda* and *Hamilton* do not cure the deficiencies of the *Gilhuly* and *Mousseau* references.

Accordingly, the proposed combination fails to teach or suggest at least "forwarding the electronic message to the recipient with the one or more indicia tags and without the one or more attachments; receiving instructions from the recipient for processing an attachment that was removed from the electronic message and replaced with an indicia tag at a subsystem connected to the gateway, the subsystem comprising a fax machine for faxing the attachment; a database for storing the attachment; and a text-to-speech device for speaking the contents of the attachment; and processing the attachment at the subsystem indicated by the user, wherein the gateway is configured to provide wireless communications services to interactive messaging clients and provide Internet e-mail services and user-selectable filtering and wherein the gateway is configured to provide a delivery confirmation for the message to a sender of the electronic message after the message has been delivered to the recipient over the wireless communication network," as recited in claim 48.

Therefore, a *prima facie* case establishing an obviousness rejection by *Mousseau* in view of *Gilhuly* in further view of *Beyda* in further view of *Hamilton* has not been made. Thus, claim 48 is not obvious under the proposed combination and the rejection should be withdrawn.

e. Claim 49

As provided in independent claim 49, Applicant claims:

> A system for processing data in a wireless communication network comprising:
>
> a gateway for the wireless communication network configured to:

receive at least one electronic message having at least one attachment associated therewith;

process the at least one electronic message based on characteristics of the at least one electronic message including size and type of the at least one electronic message and based on characteristics of the at least one attachment including size and type of the at least one attachment, wherein a determination is made whether to remove a respective attachment from the at least one electronic message;

if a determination is made to remove one or more attachments from an electronic message, provide the electronic message with one or more indicia tags for the one or more attachments being removed from the electronic message, the one or more indicia tags being derived from the characteristics of the one or more attachments including size and type characteristics;

forward the electronic message to the recipient with the one or more indicia tags and without the one or more attachments;

receive instructions from the recipient for processing an attachment that was removed from the electronic message and replaced with an indicia tag at a subsystem connected to the gateway, the subsystem comprising a fax machine for faxing the attachment; a database for storing the attachment; and a text-to-speech device for speaking the contents of the attachment; and

process the attachment at the subsystem indicated by the user, wherein the gateway is configured to provide wireless communications services to interactive messaging clients and provide Internet e-mail services and user-selectable filtering and wherein the gateway is configured to provide a delivery confirmation for the message to a sender of the electronic message after the message has been delivered to the recipient over the wireless communication network.

(Emphasis added).

Applicant respectfully submits that independent claim 49 is allowable for at least the reason that *Mousseau* in view of *Gilhuly* in further view of *Beyda* in further view of *Hamilton* does not disclose, teach, or suggest at least "forward the electronic message to the recipient with the one or more indicia tags and without the one or more attachments; receive instructions from the recipient for processing an attachment that was removed from the electronic message and replaced with an indicia tag at a subsystem connected to the gateway, the subsystem comprising a fax machine for faxing the attachment; a database for storing the attachment; and a text-to-speech device for speaking the contents of the attachment; and process the attachment at the

subsystem indicated by the user, wherein the gateway is configured to provide wireless communications services to interactive messaging clients and provide Internet e-mail services and user-selectable filtering and wherein the gateway is configured to provide a delivery confirmation for the message to a sender of the electronic message after the message has been delivered to the recipient over the wireless communication network," as recited and emphasized above in claim 49.

For example, *Mousseau* describes a system for "replicating and redirecting information from a host system to a mobile data communication device." The host system may be a user's desktop or a network server connected to a user's PC via a local-area network. Col. 2, lines 49-61. A redirector program on the host system enables a user to redirect user-selected data items on the host system to a user's mobile data communications device. Col. 2, lines 62-65. As stated by its name, the redirector program is able to redirect items to the mobile device after the items have been delivered successfully to the host system. For example, if a message was sent by a sender with a delivery confirmation request to the host system, the host system would receive the message and confirm successful delivery. Then, the host system may redirect the message to a user's mobile device. On the other hand, if a message was sent by a sender with a delivery confirmation request to the user's mobile device, the message would bypass the host system and be delivered directly to the mobile device. The mobile device would then confirm delivery. Accordingly, this is why *Mousseau* discusses repackaging messages that are redirected to the mobile device and repackaging reply messages from the mobile device so that the messages appear to be from entities that they are not. *See* cols. 8-9, lines 61-47. For example, *Mousseau* states:

> If the redirected user data item is an E-mail message, as described above, the user at the mobile device 24 sees the original subject, sender's address, destination address, carbon copy and blind carbon copy. When the user replies to this message, or when the user authors a new message, the software operating at the mobile device 24 adds a similar outer envelope to the reply message (or the new message) to cause the message to be routed first to the user's host system 10, which then removes the outer envelope and redirects the message to the final destination, such as back to computer 26. In the preferred embodiment, this results in the outgoing redirected message from the user's host

> system 10 being sent using the E-mail address of the host mailbox, rather than the address of the mobile device, so that it appears to the recipient of the message that the message originated from the user's desktop system 10 rather than the mobile data communication device. Any replies to the redirected message will then be sent to the desktop system 10, which if it is still in redirector mode, will repackage the reply and re-send it to the user's mobile data device, as described above.

Cols. 9, lines 28-48.

Likewise, *Gilhuly* describes a similar process where a redirector 12 on a host system 10A repackages a received message to include address information for a mobile device that was not provided by a sender of the message (since the message was sent to the host system 10A). Col. 7, lines 26-46. As such, *Gilhuly* and *Mousseau* do not disclose that a recipient of a message over a wireless network can confirm delivery of a message from a redirector program of a host system to a sender of the message (which was redirected by the host system to the recipient). Further, *Beyda* and *Hamilton* do not cure the deficiencies of the *Gilhuly* and *Mousseau* references.

Accordingly, the proposed combination fails to teach or suggest at least "forward the electronic message to the recipient with the one or more indicia tags and without the one or more attachments; receive instructions from the recipient for processing an attachment that was removed from the electronic message and replaced with an indicia tag at a subsystem connected to the gateway, the subsystem comprising a fax machine for faxing the attachment; a database for storing the attachment; and a text-to-speech device for speaking the contents of the attachment; and process the attachment at the subsystem indicated by the user, wherein the gateway is configured to provide wireless communications services to interactive messaging clients and provide Internet e-mail services and user-selectable filtering and wherein the gateway is configured to provide a delivery confirmation for the message to a sender of the electronic message after the message has been delivered to the recipient over the wireless communication network," as recited in claim 49.

Therefore, a *prima facie* case establishing an obviousness rejection by *Mousseau* in view of *Gilhuly* in further view of *Beyda* in further view of *Hamilton* has not been made. Thus, claim 49 is not obvious under the proposed combination and the rejection should be withdrawn.

f. Claims 50-58

For at least the reasons given above, independent claim 49 is allowable over the cited art of record. Since claims 50-58 depend from claim 49, claims 50-58 are allowable as a matter of law, because these dependent claims contain all the features of their respective independent claim 49.

Additionally and notwithstanding the foregoing reasons for the allowability of claims 50-58, these dependent claims recite further features and/or combinations of features (as is apparent by examination of the claims themselves) that are patentably distinct from the cited art of record. Hence, there are other reasons why these dependent claims are allowable.

4. Traversal of Findings of Official Notice

Regarding claim 46, the Office Action indicates that the "Examiner takes official notice that both a digital camera and digital camera including a self-contained web-cam were widely known at the time of Applicant's invention. Furthermore Examiner takes official notice that both were capable of sending and receiving data at the time of application invention." Regarding claim 55, the Office Action indicates that the "Examiner takes official notice that email signatures were widely known at the time of Applicant's invention and databases for storing emails that contain signatures were widely known at the time of Applicant's invention." Regarding claim 58, the Office Action indicates that the "Examiner takes official notice that it was widely known in the art at the time of Applicant's invention to utilize N Routers for receiving messages over a wireless network and transmitting messages to a recipient when the source is the Internet."

Applicant respectfully traverses each of the findings of official notice. In particular, a specific or particular reason why the finding of official notice is improper is that the "digital camera including a self-contained web cam" of claim 45 must satisfy the features of the wireless application as defined in the base claims. Applicant submits that official notice of such features is improper. Regarding claim 55, a specific or particular reason why the finding of official notice is improper is that it is not established "wherein at least one of the user databases is structured to permit signatures to be

associated with the messages" is capable of instant and unquestionable demonstration as being well-known within the context of the claimed subject matter. Likewise, a specific or particular reason why the finding of official notice is improper in claim 58 is that it is not established the a gateway in the manner claimed comprising "at least one N Router machine for receiving the electronic messages in the gateway when the source is a wireless data network and transmitting the electronic messages to a recipient when the source is the Internet" is capable of instant and unquestionable demonstration as being well-known.

Per MPEP 2144.03(A), "It would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known." Also, per MPEP 2144.03(B), "If such notice is taken, the basis for such reasoning must be set forth explicitly. The Examiner must provide specific factual findings predicated on sound technical and scientific reasoning to support his or her conclusion of common knowledge."

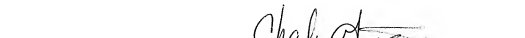
As specific factual findings predicated on sound technical and scientific reasoning in support of the conclusion of common knowledge are not provided in the Office Action, the Official Notice and the rejections based upon this finding should be withdrawn. Further, under 37 CFR § 1.104(d)(2), if the rejections are based on facts within the personal knowledge of the examiner, "the data should be stated as specifically as possible, and the facts must be supported, when called for by the applicant, by an affidavit from the examiner. Such an affidavit is subject to contradiction or explanation by the affidavits of the applicant and other persons." Therefore, if this rejection is maintained, Applicant respectfully requests that document(s) be provided as support.

CONCLUSION

Any statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known for at least the specific and particular reason that the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions.

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the pending claims are in condition for allowance. In addition, Applicant does not intend to admit anything regarding any other statements in the Office Action that is not explicitly referenced in this response. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,



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